

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Ronda A. Mettey :  
                          :  
                          :  
Plaintiff, :     **CASE No. C-1-02 398**  
vs.                :  
                          :  
                          :  
American Family Mutual Insurance :  
Company, et al     :  
                          :  
                          :  
Defendants. :     **PLAINTIFF'S MOTION TO COMPEL  
PRODUCTION OF COMPUTER TAPE  
PRINTOUT, SURVEY, INSURANCE  
APPLICATION, MEMORANDUM IN  
SUPPORT**

Plaintiff by her undersigned attorney moves for an order compelling Defendants to provide Plaintiff with a print-out of a the computer tape in Defendants' possession, and with a copy of a survey submitted by Plaintiff to Defendant, a copy of an insurance application for a member of Richard Robinson's household and Richard Robinson's district meeting agendas.

/s/ John A. Rebel  
John A. Rebel (0031771)  
Attorney for Plaintiff  
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## **MEMORANDUM IN SUPPORT**

During January 2004, Plaintiff delivered to Defendant a computer tape with the understanding that it would be reviewed and data printed and shared. Plaintiff's attorney, on March 15, 2004, viewed the tape. On numerous subsequent occasions he requested print-outs of certain files. Defendants have failed to provide copies of the files. The files evidence the nature and volume of services that Plaintiff performed. The files contain calendars and notes. These files are essential to Plaintiff's responding to the Motion for Summary Judgment. A few additional documents were requested but not provided: a survey submitted by Plaintiff, a copy of an insurance application for a member of Richard Robinson's household and copies of agendas for Richard Robinson's district sales meetings.

Plaintiff's reason for not filing the Motion to Compel before the discovery cut-off date is that settlement had seemed likely. A Motion to Extend Discovery time has been filed. The print-out of the computer tape is essential to Plaintiff's case and her response to the Motion for Summary Judgment. Plaintiff's attorney's Affidavit is being filed.

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/s/ John A. Rebel  
 John A. Rebel (0031771)  
 Attorney for Plaintiff

## **CERTIFICATION OF SERVICE**

The undersigned hereby certifies that the foregoing Motion is served upon Geraldine Johnson, Attorney for Defendants, by ordinary mail and electronic transmission to Roetzel & Andress, 250 E. 5<sup>th</sup> Street, Suite 310, Cincinnati, Ohio, 45202 on this 6<sup>th</sup> day of August 2004.

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/s/ John A. Rebel  
 John A. Rebel (0031771)  
 Attorney for Plaintiff